

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 26334 of 2006(I)

PETITIONER:

**DR. M.T.FRIJI,
SURYODHAYAM, THATTOLIKARA, CHOMBALA,
VADAKARA TALUK, KOZHIKODE DISTRICT-673 308.**

**BY ADV. SRI.N.SUGATHAN
SMT.VARSHA BHASKAR**

RESPONDENTS:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HEALTH & FAMILY WELFARE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. THE DIRECTOR OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM.**
- 3. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTOM,
THIRUVANANTHAPURAM.**

**BY GOVT. PLEADER SMT. M.R. SREELATHA
SRI.P.C.SASIDHARAN, SC FOR PSC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

A.K. BASHEER, J.

W.P.(C). NO. 26334 OF 2006

Dated this the 26th day of June, 2007

J U D G M E N T

Petitioner was included in Ext.P1 ranked list of candidates published by the Kerala Public Service Commission for appointment to the post of Lecturers in ENT in Government Medical Colleges in the State. It appears that on October 12, 2006, the date on which the validity of the list was due to expire, one vacancy of lecturer was reported to the Commission as directed by this Court.

2. However, it is the admitted position that a substantive vacancy of Lecturer arose only with effect from November 15, 2006 consequent on the promotion of a Lecturer to the post of Assistant Professor as revealed from Ext.P3. The above being the admitted position, I am afraid the petitioner had missed the bus. Learned counsel for the petitioner fairly concedes that entitlement of the petitioner for appointment may arise only from the date of arising of vacancy. Learned Government Pleader submits that petitioner cannot be granted any relief since apparently the vacancy had arisen only on November 15, 2006, after the expiry of the ranked list.

Therefore, the writ petition fails and it is accordingly dismissed.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007